

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:17-cv-00444-TNM**

CAUSE OF ACTION INSTITUTE v. UNITED STATES  
DEPARTMENT OF HEALTH AND HUMAN SERVICES et al  
Assigned to: Judge Trevor N. McFadden  
Cause: 05:552 Freedom of Information Act

Date Filed: 03/13/2017  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**CAUSE OF ACTION INSTITUTE**

represented by **Cynthia Fleming Crawford**  
CAUSE OF ACTION INSTITUTE  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Lee A. Steven**  
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**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**UNITED STATES DEPARTMENT  
OF HEALTH AND HUMAN  
SERVICES**

represented by **Paul Cirino**  
U.S. ATTORNEY'S OFFICE FOR THE  
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**ATTORNEY TO BE NOTICED**

**Joshua M. Kolsky**  
U.S. ATTORNEY'S OFFICE FOR THE  
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Email: [joshua.kolsky@usdoj.gov](mailto:joshua.kolsky@usdoj.gov)  
**TERMINATED: 12/07/2018**

**Defendant**

**CENTERS FOR MEDICARE AND  
MEDICAID SERVICES**

represented by **Paul Cirino**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Joshua M. Kolsky**  
 (See above for address)  
**TERMINATED: 12/07/2018**

| Date Filed | #         | Docket Text   |
|------------|-----------|---|
| 03/13/2017 | <u>1</u>  | COMPLAINT against CENTERS FOR MEDICARE AND MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES ( Filing fee \$ 400 receipt number 0090-4873891) filed by CAUSE OF ACTION INSTITUTE. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Civil Cover Sheet, # <u>8</u> Summons Medicare, # <u>9</u> Summons HHS, # <u>10</u> Summons AG, # <u>11</u> Summons Clerk)(Steven, Lee) (Entered: 03/13/2017) |
| 03/13/2017 | <u>2</u>  | Corporate Disclosure Statement by CAUSE OF ACTION INSTITUTE. (Steven, Lee) (Entered: 03/13/2017)  |
| 03/13/2017 | <u>3</u>  | NOTICE of Appearance by Cynthia Fleming Crawford on behalf of CAUSE OF ACTION INSTITUTE (Crawford, Cynthia) (Entered: 03/13/2017)   |
| 03/13/2017 |           | Case Assigned to Judge Christopher R. Cooper. (md) (Entered: 03/13/2017)  |
| 03/13/2017 | <u>4</u>  | SUMMONS (4) Issued Electronically as to CENTERS FOR MEDICARE AND MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice of Consent) (md) (Entered: 03/13/2017)   |
| 03/21/2017 | <u>5</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 3/20/2017. Answer due for ALL FEDERAL DEFENDANTS by 4/19/2017. (Steven, Lee) (Entered: 03/21/2017)   |
| 03/21/2017 | <u>6</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 03/20/2017. (Steven, Lee) (Entered: 03/21/2017)  |
| 03/21/2017 | <u>7</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 3/20/2017 (Steven, Lee) (Entered: 03/21/2017)  |
| 03/21/2017 | <u>8</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. CENTERS FOR MEDICARE AND MEDICAID SERVICES served on 3/17/2017 (Steven, Lee) (Entered: 03/21/2017)   |
| 04/18/2017 | <u>9</u>  | NOTICE of Appearance by Joshua M. Kolsky on behalf of CENTERS FOR MEDICARE AND MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Kolsky, Joshua) (Entered: 04/18/2017)  |
| 04/18/2017 | <u>10</u> | Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by CENTERS FOR MEDICARE AND MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 04/18/2017)  |
| 04/19/2017 |           | MINUTE ORDER granting <u>10</u> Consent Motion for Extension of Time. Defendants shall respond to the complaint on or before May 19, 2017. Signed by Judge Christopher R. Cooper on 4/19/2017. (lcrc3) (Entered: 04/19/2017)  |
| 04/20/2017 |           | Set/Reset Deadlines: Answer due by 5/19/2017. (zlsj) (Entered: 04/20/2017)  |
| 05/19/2017 | <u>11</u> | ANSWER to Complaint by CENTERS FOR MEDICARE AND MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.(Kolsky, Joshua) (Entered: 05/19/2017)   |
| 05/22/2017 |           | MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. Because the requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil Procedure do not apply, it is hereby ORDERED that the parties shall confer and file a joint proposed schedule for briefing or disclosure by June 5, 2017. Signed by Judge  |

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|            |           | Christopher R. Cooper on 5/22/2017. (lccrc3) (Entered: 05/22/2017)  |
| 05/22/2017 |           | Set/Reset Deadlines: Joint Proposed Briefing Schedule or Disclosure due by 6/5/2017. (lsj) (Entered: 05/22/2017)  |
| 06/05/2017 | <u>12</u> | Joint STATUS REPORT ( <i>Proposed Schedule</i> ) by CENTERS FOR MEDICARE AND MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 06/05/2017)   |
| 06/06/2017 |           | MINUTE ORDER: Pursuant to the parties' <u>12</u> Joint Status Report, it is hereby ORDERED that the parties file a joint status report on Defendant's ongoing production efforts on or before August 11, 2017. It is further ORDERED that the parties file additional joint status reports every sixty days thereafter until the document production is complete. Signed by Judge Christopher R. Cooper on 6/6/2017. (lccrc3) (Entered: 06/06/2017) |
| 06/07/2017 |           | Set/Reset Deadlines: Joint Status Report due by 8/11/2017 (lsj) (Entered: 06/07/2017)   |
| 08/11/2017 | <u>13</u> | Joint STATUS REPORT by CENTERS FOR MEDICARE AND MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Kolsky, Joshua) (Entered: 08/11/2017)  |
| 10/10/2017 | <u>14</u> | Joint STATUS REPORT by CENTERS FOR MEDICARE AND MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Kolsky, Joshua) (Entered: 10/10/2017)  |
| 10/16/2017 | <u>15</u> | NOTICE of <i>Errata</i> by CENTERS FOR MEDICARE AND MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES re <u>14</u> Status Report (Attachments: # <u>1</u> Exhibit (Joint Status Report))(Kolsky, Joshua) (Entered: 10/16/2017)   |
| 11/01/2017 |           | Case directly reassigned to Judge Trevor N. McFadden. Judge Christopher R. Cooper is no longer assigned to the case. (ztnr) (Entered: 11/01/2017)   |
| 11/15/2017 |           | MINUTE ORDER: In light of the recent assignment of this case to Judge McFadden, the parties are advised that the pre-existing schedule for this case remains in effect. The parties shall comply with all deadlines as previously ordered. SO ORDERED. Signed by Judge Trevor N. McFadden on November 15, 2017. (lctnm2) (Entered: 11/15/2017)  |
| 12/11/2017 | <u>16</u> | Joint STATUS REPORT by CENTERS FOR MEDICARE AND MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Kolsky, Joshua) (Entered: 12/11/2017)  |
| 02/09/2018 | <u>17</u> | Joint STATUS REPORT by CENTERS FOR MEDICARE AND MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Kolsky, Joshua) (Entered: 02/09/2018)  |
| 04/10/2018 | <u>18</u> | Joint STATUS REPORT by CAUSE OF ACTION INSTITUTE. (Steven, Lee) (Entered: 04/10/2018)   |
| 04/25/2018 | <u>19</u> | STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Courtesy copies are excused for all filings predating the entry of this Standing Order. Signed by Judge Trevor N. McFadden on 4/25/2018. (lctnm2) (Entered: 04/25/2018)   |
| 06/11/2018 | <u>20</u> | Joint STATUS REPORT by CENTERS FOR MEDICARE AND MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Kolsky, Joshua) (Entered: 06/11/2018)  |
| 06/13/2018 |           | NOTICE OF HEARING: The parties shall take notice that a Status Conference is scheduled for 8/14/2018, at 10:00 AM in Courtroom 2, before Judge Trevor N. McFadden. (hmc) (Entered: 06/13/2018)  |
| 08/10/2018 | <u>21</u> | Joint STATUS REPORT by CENTERS FOR MEDICARE AND MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Kolsky, Joshua) (Entered: 08/10/2018)  |

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| 08/14/2018 |           | Minute Entry for proceedings held before Judge Trevor N. McFadden: Status Conference held on 8/14/2018. (Court Reporter: Cathryn Jones.) (hmc) (Entered: 08/14/2018)  |
| 10/09/2018 | <u>22</u> | Joint STATUS REPORT by CENTERS FOR MEDICARE AND MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Kolsky, Joshua) (Entered: 10/09/2018)  |
| 12/07/2018 | <u>23</u> | NOTICE OF SUBSTITUTION OF COUNSEL by Paul Cirino on behalf of All Defendants Substituting for attorney Joshua M. Kolsky (Cirino, Paul) (Entered: 12/07/2018)  |
| 12/10/2018 | <u>24</u> | Joint STATUS REPORT by CENTERS FOR MEDICARE AND MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Cirino, Paul) (Entered: 12/10/2018)  |
| 02/11/2019 | <u>25</u> | Joint STATUS REPORT by CENTERS FOR MEDICARE AND MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Cirino, Paul) (Entered: 02/11/2019)  |
| 04/09/2019 | <u>26</u> | Joint STATUS REPORT by CENTERS FOR MEDICARE AND MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Cirino, Paul) (Entered: 04/09/2019)  |
| 06/10/2019 | <u>27</u> | Joint STATUS REPORT by CENTERS FOR MEDICARE AND MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Cirino, Paul) (Entered: 06/10/2019)  |
| 07/05/2019 | <u>28</u> | ENTERED IN ERROR.....STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 07/05/2019. (lctnm2) Modified on 7/5/2019 (hmc). (Entered: 07/05/2019) |